

## REMARKS

The present remarks are in response to the office action entered in the above identified case and mailed on September 24, 2004. Claim 49-96 are pending in the application. Favorable reconsideration is requested.

Claims 49, 52-53, 55-64, 67-68, 70-79, 82-83, 85-93 stand rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,263,330 to *Bessette*.

Claims 50, 51, 54, 65, 66, 69, 80, 81 and 84 were rejected under 35 U.S.C. §103 as being unpatentable over *Bessette* in view of U.S. Patent No. 5,969,721 to *Chen et al.* Applicants respectfully traverse these rejections.

Specifically, the cited art, alone or in combination, does not disclose “means for reading out measured data based on three-dimensional shape information and texture information on a body, and for reading out protection information for protecting the measured data from being read out” and “processing means for performing prescribed processing utilizing the measured data which is read out to generate feature parameters on a model” as recited in claim 49, and similarly recited in claims 64, 79 and 94.

Regarding *Bessette*, the reference teaches a system where medical records are distributed and accessed through a computer network (col. 2, lines 35-44; col. 3, lines 57-59). The disclosed system of *Bessette* is used for quickly accessing records through a universal database, rather than separately searching through local database records (col. 2, lines 44-47; col. 7, line 52-col. 8, line 4). However, *Bessette* is completely silent regarding the feature of “reading out measured data based on three-dimensional shape information and texture information on a body.” *Bessette* does not disclose reading out shape information but rather queries and produces documents based on text processing (col. 11, lines 59-62). While *Bessette* mentions “three dimensional view of the human body,” the disclosure is clear indicating that the particular embodiment is not enabled in

the present disclosure, and is intended to be supplemented by future developments in the art.

*Bessette* has no teaching on three-dimensional imaging whatsoever. The disclosure in a reference must provide an enabling disclosure of the subject matter; mere naming or description of the subject matter is insufficient, if it cannot be produced without undue experimentation (MPEP 2121.01).

Furthermore, as the Examiner has indicated, *Bessette* does not disclose performing prescribed processing utilizing the measured data to generate feature parameters on a model. The specification of the present application defines “feature parameters” as comparing the three-dimensional shape and texture data read out from the measured data to a standard model to identify the characteristics (i.e. features) of a face, body or body part (see FIG. 4, page 21, second paragraph).

In this regard, *Vining* discloses an endoscopy device for three-dimensional rendering of structures having lumens (col. 3, lines 52-59). The device is capable of detecting abnormal vertices in relatively flat regions (col. 10, lines 40-47). However, unlike the claims in the present application, *Vining* does not teach “shape information” and “texture information,” as the reference clearly discloses that the segmented surface analysis only takes into consideration certain shape information to determine abnormalities (col. 7, line 61 – col. 8, line 7; col. 10, lines 53-55).

Also, *Vining* does not disclose “feature parameters on a model,” but only discloses surface parameters on segmented regions (col. 5, lines 40-60; col. 10, lines 48-55). In other words, *Vining* cannot distinguish between a body part (i.e., model), *Vining* can only analyze a surface where a user has specified a particular vertex for that surface that is mapped via connectivity matrices.

Finally, there is no teaching, suggestion or motivation to combine the *Besette* reference with the *Vining* reference. As mentioned previously, *Besette* explicitly teaches a system for globally searching and retrieving medical records for hospital patients. There is nothing that would motivate one skilled in the art to turn to the three-dimensional lumen surface analysis of *Vining*, given the disclosure in *Besette*. In determining the differences between the prior art and the claims, the question under 35 U.S.C. §103 is not whether the differences themselves would have been obvious, but whether the claimed invention as a whole would have been obvious (MPEP 2141.02). The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, not in the applicant's disclosure (MPEP 2143).

For these reasons, Applicant respectfully submits that the claims as presently amended are all in condition for allowance. Applicant therefore requests that the Examiner allow the claims move the application to issue. However, if there are any remaining issues the Examiner is encouraged to call Applicants' attorney, Peter Zura at (312) 807-4208 in order to facilitate a speedy disposition of the present case. If any additional fees are required in connection with this response they may be charged to deposit account no. 02-1818.

Respectfully submitted,

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